



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**WAGGONER CARR  
ATTORNEY GENERAL**

July 20, 1966

Honorable Charles A. Allen  
Criminal District Attorney  
Harrison County  
P. O. Box 949  
Marshall, Texas

Opinion No. C-727

Re: Whether H.B. 442, Acts  
59th Legislature, 1965,  
R.S., Chapter 576, p.  
1255, applies to buck  
deer in Harrison County  
insofar as the open sea-  
son is concerned or  
whether H.B. 819, Acts  
of the 57th Legislature,  
1961, R.S., Chapter 510,  
p. 1122, applies to buck  
deer as to open season.

Dear Mr. Allen:

You have requested the opinion of this office as to whether the open season on buck deer in Harrison County is determined by H.B. 442, Acts of the 59th Legislature, R.S., Chapter 576, Page 1255, or by H.B. 819, Acts 57th Legislature, 1961, R.S., Chapter 510, Page 1122.

House Bill No. 819, Acts 57th Legislature, provides by Section 1 thereof that it shall be unlawful for any person to hunt, take or kill any game animal in Harrison County at any time except as provided for in the act. Section 1 further provides for the Game and Fish Commission (now Parks and Wildlife Department) to promulgate rules and regulations which might set forth an open season for the hunting, taking or killing of game animals in Harrison County.

House Bill No. 442, Acts 59th Legislature, reads in part as follows:

" . . . and it shall be lawful to take  
or kill buck deer in Harrison County dur-  
ing the period from November 15th to  
November 30th, both days inclusive. . . ."

House Bill No. 442 is concise and explicit as to an open season on buck deer in Harrison County. It is the

Honorable Charles A. Allen, Page 2 (C-727)

latest expression of the Legislature on this topic and therefore controls over H.B. 819. Baker v. Compton, 52 Tex. 252 (1879); Adams v. Rockwall County, 280 S.W. 759 (Tex.Comm.App. 1926); Townsend v. Terrell, 118 Tex. 463, 16 S.W.2d 1063 (1928).

SUMMARY

House Bill No. 442, Acts 59th Legislature, 1965, R.S., Chapter 576, Page 1255, controls the open season on buck deer in Harrison County.

Yours very truly,

WAGGONER CARR  
Attorney General of Texas

By:   
J. MILTON RICHARDSON  
Assistant Attorney General

JMR/br

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman  
Lonny F. Zwiener  
Dunklin Sullivan  
Thomas Mack  
Malcolm Quick

APPROVED FOR THE ATTORNEY GENERAL  
By: T. B. Wright